

**AMENDMENTS TO THE CLAIMS**

Claims 1-20 remain pending in the application. This listing of claims will replace all prior versions, and listings, of claims in this application.

**LISTING OF CLAIMS**

Claims 1- 3 (canceled)

a1  
Claim ~~4~~ (currently amended): ~~The apparatus of claim 3~~ Apparatus for a two-way radio communication system in which at least a first selected forward-link data is communicated by a network station upon a forward link channel to at least a first selected mobile station, said apparatus for the first selected mobile station for facilitating selection of a power level at which the first selected forward-link data is communicated, said apparatus comprising:

a first channel condition indicia measurer positioned at the first selected mobile station, said first channel condition indicia measurer for measuring an indicia of communication quality levels upon the forward link channel and for forming a first channel-condition indicia value responsive thereto;

a first data rate selector coupled to said first channel condition indicia measurer to receive the first channel-condition indicia value, said first data rate selector for selecting a first data rate at which to communicate subsequent first selected forward-link data upon the forward link and for forming a first data rate selection value responsive

to selection made thereat, an indication of the first data rate selection value, when returned to the network station, used to select the power level at which to communicate the subsequent first selected forward-link data to the first selected mobile station;

wherein the radio communication system defines a MAC (Medium Access Control) channel and wherein the indication of the data rate selection value, when returned to the network station, is used to select the power level at which to communicate subsequent first selected MAC-channel data to the first selected mobile station;

91 wherein the radio communication system comprises a 1xEV-DO packet radio communication system, wherein the MAC channel comprises a TDM (Time Division Multiplexed) channel upon which the first selected MAC-channel data is communicated, and wherein said channel condition indicia measurer measures the indicia of the communication condition levels at least within the TDM channel of which the MAC channel is comprised;

wherein the at least the first selected mobile station comprises the first selected mobile station and at least a second selected mobile station, wherein second selected MAC-channel data is also communicated upon the MAC channel by the network station to the second mobile station; ~~said apparatus further comprising:~~

at least a second channel condition indicia measurer positioned at the at least the second selected mobile station, said second channel condition indicia measurer

for measuring an indicia of communication condition levels upon the MAC channel and  
for forming a second channel condition indicia value responsive thereto; and

at least a second data rate selector coupled to said second channel condition  
indicia measurer to receive the second channel-condition indicia value, said second data  
rate selector for selecting a second data rate at which to communicate subsequent second  
selected MAC-channel data upon the MAC channel and for forming a second data rate  
selection value responsive to selection made thereat, an indication of the second data rate  
selection value, when returned to the network station, used to select the power level at  
a) which to communicate the subsequent second selected MAC-channel data to the second  
selected mobile station.

Claims 5 - 8 (canceled)

Claim <sup>2</sup>9 (currently amended): ~~The apparatus of claim 8~~ In a two-way radio

communication system in which at least a first selected forward-link data is  
communicated by a network station upon a forward link channel to at least a first selected  
mobile station, an improvement of apparatus for the first selected mobile station for  
facilitating selection of a power level at which the first selected forward-link data is  
communicated, said apparatus comprising:

a first channel condition indicia measurer positioned at the first selected  
mobile station, said first channel condition indicia measurer for measuring an indicia of

communication quality levels upon the forward link channel and for forming a first channel-condition indicia value responsive thereto;

a first data rate selector coupled to said first channel condition indicia measurer to receive the first channel-condition indicia value, said first data rate selector for selecting a first data rate at which to communicate subsequent first selected forward-link data upon the forward link and for forming a first data rate selection value responsive to selection made thereat, an indication of the first data rate selection value, when returned to the network station, used to select the power level at which to communicate the subsequent first selected forward-link data to the first selected mobile station;

a data rate selection value detector coupled to receive an indication of the first data rate selection value formed by said first data rate selector once returned to the network station, said data rate selection value detector for detecting the first data rate selection value;

a power level selector coupled to said data rate selection value detector, said power level selector for selecting the power level at which to communicate the first selected forward-link data to the first selected mobile station responsive to the first data rate selection value detected by said data rate selection value detector;

wherein the radio communication system comprises a 1xEV-DO packet radio communication system which defines a MAC (Medium Access Control) channel, wherein the first selected forward-link data comprises first selected MAC channel data,

and wherein the indication of the data rate selection value to which said data rate selection value selector is coupled to receive is representative of the first data rate selected by said first data rate selector at which to communicate subsequent first selected MAC channel data to the first mobile station;

wherein the 1xEV-DO packet radio communication system forms a multi-user system, wherein the at least the first selected mobile communication station comprises the first selected mobile station and at least a second selected mobile station, wherein second selected MAC-channel data is also communicated upon the MAC channel by the network station to the second mobile station; ~~said apparatus further comprising:~~

at least a second channel condition indicia measurer positioned at the at least the second selected mobile station, said second channel condition indicia measurer for measuring an indicia of communication condition levels upon the MAC channel and for forming a second channel condition indicia value responsive thereto; and

at least a second data rate selector coupled to said second channel condition indicia measurer to receive the second channel-condition indicia value, said second data rate selector for selecting a second data rate at which to communicate subsequent second selected MAC-channel data upon the MAC channel and for forming a second data rate selection value responsive to selection made thereat, an indication of the second data rate selection value, when returned to the network station, used to select the power level at

which to communicate the subsequent second selected MAC-channel data to the second selected mobile station.

Claim ~~10~~<sup>3</sup> (original) The apparatus of claim ~~9~~<sup>2</sup> wherein said data rate selection value detector is further coupled to receive an indication of the second data rate selection value formed by said second data rate selector, said data rate selection value detector further for detecting the second data rate selection value.

Claim ~~11~~<sup>4</sup> (original) The apparatus of claim ~~10~~<sup>3</sup> wherein said power level selector further selects the power level at which to communicate second selected MAC-channel data to the second selected mobile station.

Claim ~~12~~<sup>5</sup> (original) The apparatus of claim ~~11~~<sup>4</sup> wherein said power level selector selects the power levels at which subsequently to communicate the first selected MAC-channel data and the second selected MAC-channel data, respectively, upon the MAC-channel, the power levels, when summed together, are within an allowable maximum power level.

Claim ~~13~~<sup>6</sup> (original) The apparatus of claim ~~12~~<sup>5</sup> wherein the first and at least second data rate selection values, formed by said first data rate selector and said second data rate selector, respectively, are selected from a set of allowable data rate selection values.

6

Claim ~~14~~<sup>7</sup> (original) The apparatus of claim ~~13~~<sup>6</sup> wherein the power levels selected by said power level selector are selected responsive at least to the maximum allowable power level, and to the first and at least the second data rate selection values.

8

al Claim ~~15~~<sup>8</sup> (original) The apparatus of claim ~~14~~<sup>7</sup> wherein the 1xEV-DO packet radio communication system defines a current-usage set of mobile stations, the current-usage set of mobile stations including the first and at least second mobile stations, wherein each mobile station of the current-usage set is allocated a unique communication code and wherein the power levels selected by said power level selector are selected further responsive to a number of mobile stations contained in the current-usage set.

[ Claims 16 - 18 (canceled)

Claim <sup>9</sup>19 (currently amended) ~~The method of claim 17~~ In a method for

communicating in a two-way radio communication system in which at least first selected forward-link data is communicated by a network station upon a forward link channel to at least a first selected mobile station, an improvement of a method for facilitating selection of a power level at which the first-selected forward link data is communicated, said method comprising:

a1 measuring, at the first selected mobile station, an indicia of communication condition levels upon the forward link channel;

forming a first channel-condition indicia value responsive to measurements made during said operation of measuring;

selecting a first data rate at which to communicate subsequent first-selected forward-link data upon the forward link;

forming a first data rate selection value responsive to selection made during said operation of selecting, an indication of the first data rate selection value, when returned to the network station, used to select the power level at which to communicate the subsequent first-selected forward link data;

sending the first data rate selection value formed during said operation of forming the first data rate selection value to the network station;

detecting the first data rate selection value once received at the network station;



selecting the power level at which to communicate the first-selected forward-link data to the first selected mobile station responsive to the first data rate selection value detected during said operation of detecting;

wherein the radio communication system comprises a multi-user communication system, wherein the at least the first selected mobile station comprises the first selected mobile station and at least a second selected mobile station; ~~said method further comprising the operations of:~~

measuring, at the second selected mobile station, an indicia of communication condition levels upon the forward link channel;

forming a second channel-quality indicia value responsive to measurements made during said operation of measuring at the second selected mobile station;

selecting a second data rate at which to communicate subsequent second-selected forward-link data upon the forward link;

forming a second data rate selection value responsive to selection made during said operation of selecting the second data rate; and

sending the second data rate selection value to the network station.

Claim <sup>10</sup>~~20~~ (original) The method of claim <sup>9</sup>~~19~~ wherein said operation of selecting the power level comprises both selecting the power level at which to communicate the first-selected forward-link data and also the power level at which to communicate the second-selected forward-link data.